

HOUSE BILL 1219

By Pitts

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, Part 25; Title 46; Title 58; Title 62,
Chapter 5; Title 68, Chapter 3 and Title 68,
Chapter 4, relative to veterans.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, is amended by adding the following language as a new, appropriately designated chapter:

58-10-101. As used in this chapter, unless the context otherwise requires:

(1) "Spouse" means a veteran's spouse that is eligible for burial in a national veterans' cemetery according to the United States department of veterans affairs or in a state veterans' cemetery;

(2) "Veteran" means a person honorably discharged from the armed forces of the United States or a former member of a reserve or Tennessee national guard unit;

(3) "Veteran status information" means the data required by the United States department of veterans affairs to verify the status of a decedent as either a veteran or a veteran's spouse for purposes of eligibility for burial in a national or state veterans' cemetery, including, as applicable, the person's name, service number, social security number, date of birth, date of death, place of birth, branch of the service and military rank; and

(4) "Veterans' remains organization" means a veterans organization that is recognized by the United States department of veterans affairs and the national personnel records center as an organization authorized to verify and inter unclaimed cremated remains of veterans and veterans' spouses.

58-10-102.

The county legislative body shall designate a veterans' remains organization to cause to be decently interred the body of any veteran or veteran's spouse who dies in the county. This section shall apply to all indigent, abandoned or unclaimed veterans and veterans' spouses.

58-10-103.

(a) Upon request of a veterans' remains organization and after verifying the status of the organization as a veterans' remains organization as defined by this chapter, an entity in possession of the cremated remains of a veteran or veteran's spouse shall release veteran status information to the requesting organization.

(b) The use or disclosure of veteran status information obtained by a veterans' remains organization pursuant to subsection (a) shall be permitted only for the purpose of verifying veteran interment benefits of the deceased veteran or veteran's spouse with the United States department of veterans affairs.

(c) Upon request of a veterans' remains organization and after verifying the status of the organization as a veterans' remains organization as defined by this chapter, the entity in possession of the cremated remains shall release the remains to the requesting organization for transport to a national or state veterans' cemetery; provided, the following conditions are met:

(1) The veterans' remains organization has verified the interment benefits of the deceased veteran or veteran's spouse with the United States department of veterans affairs and has provided documentation of the verification that the decedent is a veteran or veteran's spouse eligible for burial in a national or state veterans' cemetery to the entity in possession of the cremated remains;

(2) The veterans' remains organization has made a reasonable effort to locate the agent or family member who has the right to control the cremated remains; provided, such reasonable efforts shall, at a minimum, include a thirty-

day waiting period after placing notice in a newspaper of general circulation in the county;

(3) The veterans' remains organization has provided notice to all known agents or family members who have the right to control the cremated remains of the veteran's remains organization's intent to claim the remains for the purpose of providing a proper burial of such remains;

(4) An agent or family member who has the right to control the remains has made no attempt to claim the cremated remains within thirty (30) days of notice provided under this subsection (c); and

(5) The remains have been in the entity's possession for one (1) year.

(d) An entity in possession of the remains that releases veteran status information or the remains in compliance with this section shall not be subject to civil liability, except for gross negligence.

(e) A veterans' remains organization that receives and inters remains pursuant to this chapter shall not be liable for negligence if the organization does not know or have reason to know that the remains were not released by the entity in possession of the remains in compliance with this section.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.